United Nations CCPR/C/KAZ/2

International Covenant on Civil and Political Rights

Distr.: General
12 February 2015
English
Original: Russian
English, French, Russian and Spanish only

Human Rights Committee

Consideration of reports submitted by States parties under article 40 of the Covenant

Second periodic reports of States parties due in 2014

Kazakhstan*

[Date received: 11 December 2014]

* The present document is being issued without formal editing.

GE.15-02357 (E) 100415 150415
1502357

Please recycle

Contents

		Paragraphs	*Page*
	Introduction	1–5	3
I.	Follow-up on recommendations by the Human Rights Committee	6–162	3
II.	Implementation of the Covenant	163–304	24
	Articles 1 and 27	163–173	24
	Articles 2 and 26	174–181	25
	Article 3	182	26
	Article 4	183–193	26
	Article 5	194–197	27
	Article 6	198–204	28
	Article 7	205–206	28
	Article 8	207–212	29
	Article 9	213–215	29
	Article 10	216–224	29
	Article 11	225	30
	Article 12	226–227	30
	Article 13	228–229	31
	Article 14	230–232	31
	Article 15	233–240	31
	Article 16	241–245	32
	Article 17	246–250	33
	Article 18	251–252	33
	Article 19	253–256	34
	Article 20	257–258	34
	Article 21	259–262	34
	Article 22	263–280	35
	Article 23	281–287	37
	Article 24	288–297	38
	Article 25	298–304	39

Introduction

1. This report was prepared in accordance with article 40 of the International Covenant on Civil and Political Rights (hereinafter referred to as the "Covenant").

2. All the relevant governmental bodies participated in the preparation of this report, including:

(a) The Commission on Human Rights attached to the Office of the President;

(b) The National Commission on Family Affairs and Gender Policy attached to the Office of the President;

(c) The Central Election Commission;

(d) The Supreme Court;

(e) The Office of the Procurator-General;

(f) The Ministry of Internal Affairs;

(g) The Ministry of Justice;

(h) The Ministry of Foreign Affairs;

(i) The Ministry of Tourism and Sport;

(j) The Ministry of the Economy;

(k) The Ministry of Energy;

(l) The Ministry of Education and Science.

3. The report was drafted on the basis of:

(a) National legislation;

(b) Inputs and information from government bodies and NGOs;

(c) The national plan of action for human rights, 2009–2012;

(d) A preliminary report by non-governmental human rights organizations in Kazakhstan concerning the country's compliance with the Covenant.

4. An interministerial working group was set up in 2013 to prepare the report.

5. Throughout 2013, regional workshops attended by members of government bodies and civil society were held in Almaty, Atyrau and Ust-Kamenogorsk for the purpose of discussing the draft report and relevant proposals.

I. Follow-up on recommendations by the Human Rights Committee

The Human Rights Committee urges the State party to provide comprehensive information on the constitutional framework within which the rights under the Covenant are guaranteed. In this regard, the Committee invites the State party to submit a core document in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I) which were adopted by the inter-committee meeting of the human rights treaty bodies.

6. Kazakhstan submitted its common core document on 11 June 2012 (www.adilet.kz).

The State party should take all necessary measures to ensure legal clarity on the status and applicability of the Covenant and other international human rights treaties ratified by the State party. The State party should also take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account before national courts.

7. With a view to ensuring the accurate and consistent application of the provisions of international treaties, the Supreme Court has adopted Regulatory Decision No. 1 of 10 July 2008 on the application of international standards under treaties entered into by the Republic of Kazakhstan, thus facilitating the implementation of international treaties.

8. Information updates on the application of the Covenant and other international human rights treaties are provided periodically to judges at the Supreme Court and at lower-level courts.

9. In order to improve the ability of judges to apply international agreements in civil and criminal proceedings, lectures on international human rights standards and ways and means of combating human rights violations are included in the curricula of the Institute of Justice of the Academy of Public Administration attached to the Office of the President. The lectures also cover the prevention of trafficking in persons, domestic violence and discrimination against women and the protection of the rights of refugees and stateless persons.

10. The decisions of local courts contain references to international instruments, including the Covenant. Such references are included in the prison sentences handed down and in rulings on trafficking in persons and minors and on many other matters.

11. The study of international instruments is to be included in courses held by the Institute of Justice, at training centres for judges in provincial and other lower-level courts.

12. The Supreme Court regularly organizes seminars to raise awareness on the part of judges and court officials.

13. In 2011, the Supreme Court carried out a review of rulings in which the courts had applied the constitutional principle whereby precedence is given to international treaties ratified by Kazakhstan over domestic criminal legislation; the review failed to uncover any problems with the implementation by Kazakhstan of the international treaties it has ratified.

14. The State programme for further modernization of the law enforcement system, 2014–2020, is currently under way. The programme is specifically geared towards qualitative improvements in human resources through training and awareness-raising for law enforcement officers, including on upholding human rights.

The State party should strengthen its efforts to ensure that the Commissioner for Human Rights enjoys full independence. In this regard, the State party should also provide it with adequate financial and human resources in line with the Paris Principles (General Assembly resolution 48/134, annex). The Committee further recommends that the Commissioner for Human Rights apply for accreditation to the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. When establishing the National Preventive Mechanism as provided for under the Optional Protocol to the Convention against Torture, the State party should ensure that it does not compromise, but rather improves the execution of its core functions as a National Human Rights Institution in line with the Paris Principles.

15. In 2012, the Human Rights Commissioner (Ombudsman) was accorded "B" status by the International Coordinating Committee of National Human Rights Institutions. In

general, the Commissioner's activities are in full compliance with a number of the Paris Principles. In particular, the Human Rights Commissioner (Ombudsman):

(a) Is approved by the President in consultation with the chambers of Parliament. The relevant regulations include a list of grounds for removing the Commissioner from his or her post;

(b) Is authorized to obtain from officials any information regarding human rights and freedoms; to perform inspections of institutions, including closed ones; and, in circumstances of vital importance to the country, to appeal to the President, Parliament and the Government;

(c) May receive and consider communications sent from any of the country's territorial entities, including through its website. Consideration is currently being given to establishing regional branches of the Commissioner's Office;

(d) Sends recommendations to Government agencies. In addition, an annual performance report containing all the communications and recommendations made by the Commissioner is sent to the President so that their implementation may be monitored;

(e) Works with civil society and international organizations on a broad range of issues;

(f) Engages, in full public view, in activities that are widely reported in the media and on an official website (www.ombudsman.kz);

(g) Takes part in the preparation and negotiation by Parliament of draft regulatory acts in the area of human rights;

(h) Handles individual complaints;

(i) Takes the initiative in addressing human rights violations;

(j) Is independent in carrying out activities and is neither subordinate to nor subsumed within any given legislative, judicial or executive institution;

(k) Publishes an annual report which is available in hard copy and on the website.

16. There is clearly a need to expand the Commissioner's financial and human resources, but this must be done gradually and after sufficient discussion and preparation, including training of the relevant staff and development of the regulatory and institutional framework. This objective is already under discussion and has been endorsed by the President and Parliament. The funding of 130 million tenge required for expanding the number of staff and establishing regional branches in provinces and the cities of Astana, Almaty and Baikonur has already been included in the draft 2009–2011 budget act under programme 106, services for upholding human rights and freedoms. In February 2009, the necessary amendments to the regulatory acts on the Commissioner's activities were drafted, although following the world financial crisis and subsequent freezing of the national budget, action on this front was postponed.

17. In 2013, a law on amendments to certain legislative acts of Kazakhstan concerning the establishment of a national mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment was adopted. The law entitled the preventive mechanism to be involved in court proceedings, the criminal justice system, health-care institutions, the rehabilitation and education of minors and the temporary institutionalization of individuals. Amendments were also made to the Code of Administrative Offences whereby obstructing the lawful activities carried out by the staff of the preventive mechanism entails liability.

18. In accordance with paragraph 2 of Order No. 139-r, issued by the Prime Minister on 15 August 2013, on measures to implement the law on amendments to certain legislative acts of Kazakhstan concerning the establishment of a national mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment, the National Centre for Human Rights drafted the following legislative acts, which were endorsed by the Commissioner's Office:

(a) Statute of the Electoral Committee for the Coordinating Council of the Commissioner's Office;

(b) Statute of the Coordinating Council of the Commissioner's Office;

(c) Rules for the selection of participants in the national preventive mechanism;

(d) Rules for the formation of visiting parties from the national preventive mechanism;

(e) Rules for the preparation of annual consolidated reports on visits by the preventive mechanism.

19. The Government has adopted decisions approving the rules for reimbursement of visiting parties from the national preventive mechanism and the rules for preventive visits by members of the national preventive mechanism.

20. The recommendations that have been adopted on preventive visits are being negotiated with experts of the Committee against Torture of the United Nations and Penal Reform International (PRI).

The State party should adopt measures to ensure that the activities of its law enforcement officials in the fight against terrorism do not target individuals solely on the basis of their status or religious belief and manifestation. Furthermore, the State party should ensure that any measures to combat terrorism are compatible with the Covenant and international human rights law. In this regard, the State party should compile comprehensive data, to be included in its next periodic report, on the implementation of anti-terrorism legislation and how it affects the enjoyment of rights under the Covenant.

21. From 2011 through the third quarter of 2013, investigative units of the National Security Committee investigated 48 crimes of an extremist nature. Of these, 11 occurred in 2011, 16 in 2012 and 21 in 2013. The crimes resulted in 15 convictions; 4 are still being dealt with by the courts.

22. In late 2013, the Supreme Court reviewed judicial practice in the consideration of criminal cases involving extremism and terrorism. The outcome showed that legal proceedings, including in cases of suspected terrorist activity, are conducted in accordance with international standards of due process.

23. A State programme to counter religious extremism and terrorism in Kazakhstan, 2013–2017, was approved by Presidential Decree No. 648 of 24 September 2013. A plan of action, 2007 to 2009, for the implementation of this Decree was approved by Governmental Decision No. 111 of 14 February 2007. Under the plan of action, in order to better address issues of religion nationwide and to root out religious extremism, the operational skills of law enforcement officials involved in combating religious extremism and terrorism are to be systematically improved.

The State party should take steps to safeguard, in law and practice, the independence of the judiciary and its role as the sole administrator of justice, and guarantee the competence, independence and tenure of judges. The State party should, in particular, take measures to eradicate all forms of interference with the judiciary and ensure

prompt, thorough, independent and impartial investigations into all allegations of interference, including by way of corruption, and prosecute and punish perpetrators, including judges who may be complicit. The State party should review the powers of the Office of the Procurator General to ensure that the office does not interfere with the independence of the judiciary.

24. According to the Global Competitiveness Index for 2013–2014, published by the World Economic Forum, Kazakhstan was ranked eighty-eighth in terms of judicial independence, whereas in 2012–2013, it was ranked ninety-fourth. In order to improve judicial independence, which is one of the key indicators of institutional development in the Global Competitiveness Index, a plan of action to improve the judicial independence rating in the Global Competitiveness Index has been approved.

25. The existing procedure for appointing and dismissing judges in Kazakhstan is fully in accord with the principle of an independent judiciary.

26. The selection of judicial personnel is currently the responsibility of the Higher Council of the Judiciary, a collegial body ensuring the independence and inviolability of judges.

27. The procedure for selecting judicial personnel, which is set out in the Constitutional Act on the Judicial System and the Status of Judges, has many positive features that facilitate fairness in the selection of candidates, such as the non-discrimination principle (art. 30, para. 1) and the procedure for choosing candidates by means of a qualifying examination (art. 29, para. 1). Under article 30, paragraph 2, the Higher Judicial Council selects candidates that have the requisite qualifications and then recommends them for judicial posts. The final decision on the appointment of a judge of the Supreme Court is taken by the Senate, and on all other judicial posts, by the President of Kazakhstan.

28. On 16 February 2012, legislation developed by the Supreme Court was adopted in order to amend the Higher Judicial Council Act, with a view to strengthening the role of the Council and further improving the judicial system, enhancing the role of local courts and strengthening the independence and inviolability of judges. The legislation also enshrines the principles of autonomy of the judicial system and democratization and regulation of the selection process. The judges themselves are given the opportunity to meet in plenary and participate in the selection of candidates for judicial posts. If, in plenary, any negative or compromising evidence about a candidate for a judgeship at a court in a district or province is uncovered, the judges of the lower court so inform the Supreme Court.

29. Candidacies for any vacant posts of president of chambers of provincial courts and of the Supreme Court are submitted by the President of the Supreme Court for consideration by a plenary meeting of the Supreme Court on the basis of a system of alternates. Candidates for the post of president of a chamber of the Supreme Court are recommended from among the judges of the Supreme Court. The Supreme Court, meeting in plenary, discusses the candidacies for vacant posts of chairpersons and presidents of chambers of provincial courts and the Supreme Court and reaches its decision accordingly. On the basis of the decision taken in plenary meeting by the Supreme Court, the President of the Supreme Court submits to the Higher Judicial Council the candidacies for the posts of president of the chambers of provincial courts and of the Supreme Court. The Higher Judicial Council considers the candidacies submitted to it and recommends candidates for the vacant posts to the President of Kazakhstan for appointment.

30. To increase the openness and transparency of Supreme Court appointments to judicial posts, the resumés of applicants for judgeships who are serving apprenticeships in the courts or who have applied to take a competitive examination for a vacant post at a district court are published in official periodicals at the local level and on the websites of provincial courts.

31. Since 2011, the resumés of candidates for the posts of chairperson and president of chambers of local courts have been published in official journals and periodicals and on the website of the Supreme Court in order to enable interested persons to convey to the Supreme Court any information, opinions or views they have on the candidates.

32. The direct participation of the public, including NGOs, as well as professional associations involved in the activities of the judiciary, in the selection of candidates for judicial positions contributes to the objective, in-depth study of the personal qualities of candidates for judgeships.

33. A report by the President of the Supreme Court serves as the basis for consideration by the Higher Judicial Council of the dismissal of a judge from his or her post. A report on the dismissal of a judge for breaching disciplinary rules, for professional unsuitability or for failure to fulfil the requirements of the Constitution is submitted to the Council by the President of the Supreme Court on the basis of a decision by the Judges' Disciplinary and Qualification Board or the Judicial Panel.

34. The Constitution states that a judge may not be arrested, subjected to detention or measures of administrative punishment imposed by a court of law or arraigned on a criminal charge without the consent of the President of Kazakhstan based on a decision by the Higher Judicial Council; or, as stipulated in article 55, paragraph 3, of the Constitution, without the consent of the Senate, except where a judge is apprehended at the scene of a crime or in committing a serious crime.

35. In 2013, in order to enhance the independence of the judiciary, the Supreme Court drafted and submitted to the Majilis the following bills:

(a) A draft constitutional law on amendments to the Act on the Judicial System and the Status of Judges, which aims at improving the competitive selection of candidates for judicial office; strengthening the role of the public in the selection of candidates for judicial posts; and increased resort to a qualified pool of judges for recruitment to high-level positions in the judiciary;

(b) A bill to amend the legislation on streamlining the administration of justice and reducing red tape. The bill sets out competency requirements for candidates for the civil service, including persons with advanced legal training, and addresses the expanded use of computer technology in judicial proceedings.

36. Administrative and practical measures to combat corruption in the judicial system are intended to improve the logistical capacity of local courts and the material and social welfare of judges, enhance their accountability, ensure strict compliance with judicial ethics and create the conditions for the transparency of court proceedings. All the courts of Kazakhstan are technically equipped and situated in buildings that conform to modern standards of administration of justice.

37. The Anti-Corruption Act of 2 July 1998 was amended to provide for the social and legal protection of civil servants and the possibility of monitoring the compliance with anti-corruption legislation of persons applying to hold public offices which carry a high risk of corruption-related wrongdoing.

38. In October 2012, the Judicial Council of the Supreme Court for combating corruption was established.

39. A bill on amendments to certain legislative acts on countering corruption is being drafted. A feature of the bill is its focus on the formulation and implementation of an anti-corruption policy as an essential part of public policy, including measures aimed at: organizing the fight against corruption at all levels; narrowing the range of conditions and circumstances conducive to corruption; maximizing the likelihood of exposure and

punishment for corruption; improving the incentives for official conduct; and creating a climate of public rejection of corruption in all its manifestations.

40. To fulfil these goals, the bill incorporates the following legislative objectives:

(a) Increased efficiency in protecting the rights, freedoms and lawful interests of individuals, as well as those of society, against corruption;

(b) Ensuring openness and transparency in the activities of national and local government agencies and introducing accessible and effective procedures for informing the public about corruption;

(c) Developing an anti-corruption ideology and a public attitude of rejection of corruption and improving knowledge of the law in all sectors of society;

(d) Incorporating international standards into national legislation on combating corruption;

(e) Operating an effective mechanism to prevent corruption, including through improved governance and a stronger role of civil society institutions and the public in counteracting corruption;

(f) Heightened supervision of national and local government agencies;

(g) Preventing corruption and conflicts of interest in private enterprise and promoting sound business practices;

(h) Broadening and enhancing international cooperation and the exchange of experience regarding anti-corruption legislation and practices.

41. The procedural laws adopted in the post-Soviet period have substantially narrowed the list of prosecutorial officials entitled to suspend the rulings of the courts, leaving this right only for the Procurator-General (article 396 of the Code of Civil Procedure). It should be noted, however, that the Procurator-General exercises the right to suspend court rulings only when reviewing cases for supervisory purposes. He or she is entitled to suspend the execution of a court ruling on a civil case for the purpose of supervisory review only on receipt of an application for revocation from a higher court (paragraph 33 of Supreme Court Decision No. 2, of 20 March 2003, on the application by the courts of a number of civil procedural regulations). The suspension by the Procurator-General of the execution of a ruling is restricted in time, to no more than three months.

42. The proportion of rulings whose execution was suspended by the Procurator-General within the overall number of sentences handed down by the courts is insignificant. The suspension of the execution of a ruling may be substantiated by allegations from one of the parties to the proceedings concerning unlawful eviction from a dwelling, an unfounded demand, including from the Government, for payment of a substantial sum of money or evidence of attempts to evade taxes or other compulsory contributions to the national budget.

43. The powers of the Office of the Procurator-General are also set out in article 83 of the Constitution, which states that the Office shall, on behalf of the State, exercise the fullest supervision over the exact and uniform implementation of the legislation, presidential decrees and other regulatory acts in the territory of Kazakhstan, monitor the legality of police operations, enquiries and investigations and administrative or executive proceedings, take steps to identify and eliminate any breaches of the law and speak out against legislation or other regulatory acts that contradict the Constitution and legislation of Kazakhstan. The Office of the Procurator-General represents the State in the courts and conducts the case for the prosecution according to the procedure and within the limits prescribed by law.

44. Because of the constitutional norms and procedural legislation that are in force, the activities of the prosecution cannot be seen as constituting undue interference in the judicial system or as dictating court rulings.

The State party should conduct a study to establish the causes of the low acquittals in criminal cases in order to ensure that the rights of accused persons under the Covenant are guaranteed and protected throughout the trial process. Furthermore, the State party should ensure that measures are put in place to guarantee the exclusion by the judiciary of evidence obtained under torture.

45. In criminal proceedings held in 2013, 507 persons, or 1.8 per cent of the total number of cases resulting in sentencing, were acquitted. In 2012, 400 persons, or 1.7 per cent of the total, were acquitted. These figures show that the number of persons acquitted by the courts is growing from year to year.

46. The new Code of Criminal Procedure proposes to abolish the use of follow-up investigations in criminal cases, something that will substantially increase the percentage of acquittals.

47. With respect to the inadmissibility of evidence obtained by torture, it should be noted that in a number of its decisions, the Supreme Court has provided guidance on how prosecution evidence that has been obtained under torture should be evaluated.

48. Supreme Court Regulatory Decision No. 7 on the application of the norms of criminal law and criminal procedural law concerning respect for individual liberty and the inviolability of human dignity and the prevention of torture, violence and other cruel or degrading treatment or punishment was adopted on 28 December 2009.

49. The Supreme Court has proposed the inclusion in the new Code of Criminal Procedure of a specific mechanism to investigate allegations of torture, as well as of provisions on the assessment of evidence obtained under duress or torture.

The State party should strengthen its efforts to increase the participation of women in the public and private sectors, and if necessary, through appropriate temporary special measures to give effect to the provisions of the Covenant. The State party should take the necessary measures to eliminate the prevailing negative stereotypes against women and also ensure that female representation in both sectors reflects the progress made in improving their levels of education.

50. As at 1 January 2013, the number of women in public service was 48,378 (55.7 per cent) (out of a total of 91,077). The proportion of women in State policymaking positions was 10 per cent; of the Government's 19 ministerial posts, 3 (15 per cent) were held by women. They headed three key ministries: the Ministry of Labour and Social Protection, the Ministry of Health and the Ministry of Economic Integration. There has been an increase in the number of women deputies in Parliament. In 2010, the proportion of seats held by women in Parliament was 13.6 per cent; in 2011, it was 13.7 per cent. At present, there are 28 women in the lower house of Parliament (Majilis), or 26.1 per cent of the total (prior to the 2012 elections there were 19 women). Among the Supreme Court justices, 33.3 per cent are women; more than half (51 per cent) of local court judges are women.

51. Among those elected to head regional administrations, 280 (11.4 per cent) are women, an increase of 32 over the previous situation.

52. The Government is making strong efforts to promote the participation of women in the private sector. The 2020 Business Road Map was amended in 2013 to designate women as a separate category of entrepreneurs who may receive financial assistance from the State.

53. In 2012, the Association of Kazakh Businesswomen became a member of the World Association of Women Entrepreneurs (FCEM).

54. The necessary steps are being taken on a permanent basis to ensure gender equality.

55. A Gender Equality Strategy for 2006–2016 is in place. It was adopted as part of the effort to secure gender equality in all spheres of life.

56. The 2012–2016 Plan of Action to Implement the Gender Equality Strategy for 2006–2016 was approved by Government Decision No. 24 of 11 January 2012.

57. In 2010, Kazakhstan ratified International Labour Organization (ILO) Workers with Family Responsibilities Convention, 1981 (No. 156).

58. In 2013, a law on amendments to certain legislative acts on questions of social security introduced amendments as regards pension contributions, payment of maternity leave and compulsory social insurance.

The State party should adopt a comprehensive approach to prevent and address violence, in particular domestic violence, against women in all its forms and manifestations including through awareness-raising on its harmful effects. In this regard, the State party should review the Domestic Violence Act to ensure that it encourages female victims of violence to report any incidents to law enforcement authorities. The State party should ensure that cases of violence against women are thoroughly investigated, that the perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are provided adequate reparations.

59. Thanks to the efforts that have been made, over the past eight years (2005 to 2012), a steady reduction in domestic violence was achieved. The number of such offences over that period fell by more than half, from 1,610 to 780; the number of murders was cut in half, from 578 to 285.

60. One of the practical means found to prevent and preclude domestic violence and to implement gender policy is the creation within the domestic security forces of subunits for the protection of women against violence. Currently, 133 police officers are employed in such subunits.

61. From 2012 to 2013, 93,000 restraining orders were issued in order to constructively influence the legal awareness and conduct of the perpetrators of domestic violence. More than 2,137 persons received administrative penalties.

62. In 2014, a law was adopted to amend certain legislative acts on domestic violence, envisaging a full range of auxiliary legal actions to prevent domestic violence and to assist the victims. In particular, the duration of restraining orders was increased from 10 to 30 days, and a regulation was adopted prohibiting a person who has perpetrated domestic violence from residing in the same lodging as the victim if it is determined that the person is able to find lodging elsewhere. The penalties for acts of domestic violence were stiffened.

The State party should adopt measures to help girls avoid unwanted pregnancies and recourse to illegal abortions that could put their lives at risk. The State party should take appropriate measures to raise awareness and ensure that reproductive health services and facilities are readily available and accessible in the State party.

63. A significant reduction in abortions among teenage girls has been seen in Kazakhstan.

64. In 2011, a strategic plan, 2011–2015, was adopted by the Ministry of Health, under which the Government has clearly set out the goal of reducing the number of abortions to 21 per 1,000 women of childbearing age.

65. Guidelines have been issued for health-care providers on safe abortion in the first trimester, the World Health Organization (WHO) strategy for safe abortion and ultrasonic

monitoring of medical abortion in early pregnancy. The guidelines have been drawn up using evidence-based medicine and the WHO recommendations; they provide information on safe abortion in the first trimester, pre- and post-abortion counselling, methods of artificial interruption of pregnancy, possible complications and post-abortion contraception.

66. As part of the programme on safe abortion, the Kazakhstan Association for Sexual and Reproductive Health has conducted training on safe abortion and medical abortion.

67. A hotline for teenagers and young adults has been in operation since 2012. At the same time, work is being done to prevent abortion and sexually transmitted infections (STIs) among adolescents and young people through youth health centres that provide confidential legal, medical and psychological assistance.

68. A national conference on the reproductive health of adolescents and young people aged 15–19 and their awareness and practice of safe sex was held in Astana on 11 December 2012.

69. In November 2013, as part of the State programme of health-care development, 2011–2015 ("Salamatty Qazaqstan" or "Healthy Kazakhstan"), a project for telephone counselling on contraception and STI/HIV prevention was launched. The project is being implemented with the support of the Ministry of Health and the telephone company GSM Kazakhstan/Kcell. The hotline's mobile phone number is 9898 (free of charge for subscribers of Activ and Kcell in Kazakhstan); the telephone numbers in Astana are 481-482, 236-569 (free of charge in the city). To reach a wider public, flyers containing the telephone counselling numbers have been distributed in secondary schools, colleges and higher educational institutions in Astana and other parts of Kazakhstan.

70. Among the main focuses of the "Salamatty Qazaqstan" programme, 2011–2015, are the development and implementation of effective approaches to bringing reproductive health services into line with international standards, specifically by setting up an effective system of family planning services, including preparation of women for pregnancy, safe motherhood and safe sex among adolescents and young people and the drafting of guidelines for the provision of family planning counselling by health-care providers at all levels of primary health.

71. Decree No. 881 of the Ministry of Health, dated 25 December 2012, formulated and approved a road map for improving reproductive health nationwide and an algorithm for monitoring women of childbearing age using primary health-care services (Ministry of Health Decree No. 452, of 3 July 2012, on measures to improve health care for pregnant women, new mothers and women of childbearing age). Under the road map, physicians and mid-level medical personnel are being given instruction on protecting reproductive health, family planning and prenatal care, and 35 certified regional coordinators (trainers) are being given instruction.

72. Currently under development are:

(a) Algorithms for primary health-care providers concerning counselling on family planning, contraception, infertility and premature births;

(b) An educational programme on reproductive health and family planning (formation of safe sex habits among adolescents and young people, family planning, prevention of abortion, methods of contraception, the need to prepare for pregnancy, early registration of pregnancy and prevention of sexually transmitted infections).

73. To safeguard reproductive health, ensure that the optimal moment is chosen for giving birth to wanted and healthy children and reduce the number of abortions and rates of maternal mortality, more than 350 family planning offices have been opened.

74. At the regional level, booklets on building healthy families, choosing healthy lifestyles and danger signals in pregnancy and booklets and posters containing advice to future parents concerning early monitoring of pregnancy, family planning and having healthy children have been issued in a print run of over 960,193; video clips on family planning and safeguarding reproductive health have been prepared.

The Committee encourages the State party to abolish the death penalty and to accede to the Second Optional Protocol to the Covenant.

75. Kazakhstan is currently observing a moratorium on the death penalty.

76. It has not yet acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, the 2010–2020 legal policy framework aims at the gradual reduction of the grounds for the imposition of the death penalty.

77. In 2010, the Republic of Kazakhstan joined the group of countries (Algeria, Argentina, the Dominican Republic, France, Italy, Mexico, Mongolia, the Philippines, Portugal, South Africa, Spain, Switzerland and Turkey) that founded the International Commission against the Death Penalty, which aims to facilitate international efforts to achieve a comprehensive moratorium on the death penalty and towards the complete abolition of this type of punishment throughout the world.

78. The new text of the Criminal Code that has been prepared will include provisions on the right of persons sentenced to death whose sentence has been commuted to life imprisonment to apply for parole.

The State party should exercise utmost care in relying on diplomatic assurances when considering the return of foreign nationals to countries where they are likely to be subjected to torture or serious human rights violations. The State party is encouraged to continue to monitor the treatment of such persons after their return and take appropriate action when the assurances are not fulfilled. Furthermore, the State party should fully comply with the principle of non-refoulement and ensure that all persons in need of international protection receive appropriate and fair treatment at all stages, in compliance with the Covenant.

79. When extraditing a person to another State, Kazakhstan observes the practice of seeking diplomatic assurances that the person will be treated in accordance with the conditions specified by the expelling State or, more generally, in accordance with the obligations under international law of the receiving State in respect of human rights.

80. The Act of 18 January 2011 on amendments to certain legislative acts to further liberalize the criminal legislation and strengthen safeguards of the rule of law in criminal proceedings introduced new provisions into the Code of Criminal Procedure stipulating that a person may not be extradited to a foreign State if there are grounds for believing that he or she would be in danger of being subjected to torture in the requesting State.

81. In addition, pursuant to the Act, article 531-1 was inserted in the Code of Criminal Procedure; this provision grants a right of judicial appeal against decisions of the Office of the Procurator-General to extradite a foreign national.

The State party should take appropriate measures to put an end to torture by, inter alia, strengthening the mandate of the Special Procurators to carry out independent investigations of alleged misconduct by law enforcement officials. In this connection, the State party should ensure that law enforcement personnel continue to receive training on the prevention of torture and ill-treatment by integrating the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) of 1999 in all training

programmes for law enforcement officials. The State party should thus ensure that allegations of torture and ill-treatment are effectively investigated, that perpetrators are prosecuted and punished with appropriate sanctions, and that the victims receive adequate reparation. In this regard, the State party is encouraged to review its Criminal Code to ensure that penalties on torture are commensurate with the nature and gravity of such crimes.

82. Work is continually under way in Kazakhstan to preclude the commission of offences connected with torture. From 2010 to 2013, the courts considered 38 criminal cases involving torture in respect of 109 persons.

83. Regulations on duty prosecutors at police stations were approved by Order No. 9 of the Procurator-General of 30 January 2012 and transmitted to regional prosecutors for their action. In addition, a joint order was signed with the Ministry of Internal Affairs on interaction between duty prosecutors and duty officers of law enforcement agencies. The regulations on duty prosecutors define their rights and responsibilities in police stations and explain their tasks, the most important of which are to verify the legality of the detention of individuals, to take rapid action if torture is uncovered, to receive complaints from individuals and to provide clarification.

84. Duty prosecutors are now present in the premises of criminal prosecution bodies, in which a system for electronic registration of all persons brought in or detained is to be introduced, as are observation cells.

85. The duties of duty prosecutors include: identifying violations of citizens' rights by monitoring reports and video recordings; taking immediate action to stop such violations; releasing persons who are detained in or brought to the relevant premises unlawfully; in the event that cases of torture are identified, implementing urgent measures and forwarding the relevant materials for further investigation; receiving complaints from the public; and ensuring that registration procedures are strictly followed.

86. In accordance with Government Decision No. 430, of 7 April 2012, if bodily injury is detected or a complaint made by a person who has been convicted or taken into custody, the staff of the prison must arrange for an independent examination to be conducted by specialists from the region's forensic medical institute.

87. In April 2010, all prosecution teams in the provinces and in Astana and Almaty, along with local law enforcement agencies, approved plans for joint actions with NGOs, 2010–2012, aimed at preventing the commission of offences involving torture by government officials and staff of detention centres. NGOs helped to conduct compulsory instruction for all law enforcement officers on the international human rights instruments; training sessions, seminars and round tables on this topic were also held.

88. From 2010 to 2012, the Academy of the Committee on Correctional Institutions, in Kostanay, carried out refresher courses for more than 1,580 officials of the criminal prosecution system. A State programme for further modernization of the law enforcement system, 2014–2020, is being carried out. The programme is specifically geared towards qualitative improvements in human resources through training and awareness-raising for law enforcement officers, including on upholding human rights.

89. In 2011, the Criminal Code was amended to transpose torture from the category of crimes against justice into that of crimes against constitutional rights and freedoms, and the crime's material elements and categories of potentially affected persons were expanded. Some significant innovations aimed at preventing and eliminating torture were introduced. Article 192 of the Code of Criminal Procedure was amended to provide for alternative investigative jurisdictions, in other words, in the event that torture is committed by staff of the domestic security agencies, the case is investigated by the financial police, and vice

versa. Article 532, paragraph 1, of the Code of Criminal Procedure was amended to exclude the extradition of a person to a foreign State if there are grounds for believing that he or she may be subjected to torture in the requesting State.

90. In the new draft text of the Criminal Code, provision is made for stricter criminalization of acts of torture causing grievous injury or resulting in the accidental death of the victim: the prison term is increased to up to 12 years. The new text furthermore classifies this offence as one of the acts not covered by the statute of limitations.

The State party should strengthen its efforts to combat trafficking in human beings by ensuring that efforts are directed towards establishing and dealing with the root causes of trafficking. Furthermore, the State party should ensure that children are protected from the harmful effects of child labour, particularly those employed in cotton and tobacco fields. In this regard, the State party should ensure that all cases of human trafficking and use of child labour are effectively investigated, that perpetrators are prosecuted and punished with appropriate sanctions, and that the victims are adequately compensated.

91. From 2011 to 2013, 900 criminal cases were brought to court, of which 38 were on abduction of a person for the purpose of exploitation, 35 were on unlawful deprivation of liberty for the purpose of exploitation, 77 were on trafficking in human beings, 30 were on inciting a minor into prostitution, 47 were on trafficking in minors, 89 were on drawing persons into prostitution and 584 were on organizing or maintaining premises for prostitution and procurement.

92. On a quarterly basis, the domestic security agencies conduct nationwide operations entitled "STOP trafficking" and "Illegal!" in order to uncover and prevent the above crimes.

93. In order to combat trafficking in persons effectively, the legislative framework is being updated. In 2013, a law amending certain legislative acts on combating trafficking in human beings was adopted. It introduces changes to stiffen the penalties for trafficking-related offences, violations by employers of labour laws on minors, provision of owned or leased premises for prostitution or procurement, incitement to prostitution and setting up or operating brothels. It likewise lays down penalties for the violation by public health workers of their obligation to inform the police about persons who seek treatment for newly sustained injuries, illegal abortions or infectious diseases posing a threat to others and to notify emergency control units about medical threats in emergency situations. The law sets out penalties for forced begging, makes employers responsible for violations of labour law with regard to minors and exempts foreign nationals designated as the victims in criminal cases from administrative responsibility. Article 128 of the Criminal Code (Human trafficking) has been annotated to define the terms "sales" and "other transactions" in the context of trafficking in persons.

94. An important provision has been incorporated, as called for by the international institutions and with a view to improving efforts to combat trafficking in persons, to the effect that consent by a victim to the intended exploitation is irrelevant if any of the means set forth in the said article were used.

95. Article 132-1 of the Criminal Code (Involvement of minors in prostitution) has increased the penalty if this crime was committed by a criminal group or a parent, teacher or other person who was responsible under the law for the minor's upbringing: the maximum prison term has been raised from 10 to 12 years.

96. Additional specifications have been incorporated in article 133 of the Criminal Code (Trafficking in minors) whereby the penalty for this crime is increased when the minor is known to the perpetrator to suffer from a psychological disorder or to be in a helpless state and when the victim's personal identity documents have been stolen, hidden or destroyed.

97. Whereas, under article 271, paragraph 1, of the Criminal Code a fine was previously envisaged for establishing or maintaining premises for prostitution and procurement, now the only penalty is imprisonment. The commission of this crime by an organized group is now punishable by deprivation of liberty for a term of up to 10 years, instead of 5.

98. A law on amendments to certain legislative acts on the protection of the rights of the child was adopted in 2014. The right of the child to protection from economic exploitation is laid down in this law.

99. The new Code of Criminal Procedure provides for the establishment of a special fund to pay compensation for damage caused by crimes. The new Criminal Code provides for compulsory confiscation of property for crimes involving trafficking in persons.

The State party should take urgent measures to address overcrowding in detention centres and prisons, including through increased resort to alternative forms of punishment, such as electronic monitoring, parole and community service. The State party should end the practice of tolerating inter-prisoner violence and should take measures to address the underlying causes of self-mutilation by prisoners. In this regard, the State party should ensure that all cases of inter-prisoner violence and deaths are thoroughly investigated and that the perpetrators are prosecuted and punished with appropriate sanctions. Furthermore, public oversight commissions should be granted the ability to conduct unannounced inspections of all prisons and detention facilities.

100. Over the past 20 years, the prison population in Kazakhstan has dropped by 40 per cent. In 2011, under an amnesty on the twentieth anniversary of Kazakhstan's accession to independence, 2,628 persons were released from prison and the sentences of 859 detainees were significantly reduced, although the courts refused amnesty to 102 detainees for various reasons.

101. In 2013, the Procurator-General's Office issued a regulatory instruction on the wider use of provisional release on bail. In 2012, bail was offered to 20 individuals, but in 2013, this figure stood at 333 – an increase of 1,565 per cent.

102. The Ministry of Internal Affairs has made the following budgetary allocations:

(a) A total of 1,562,238,000 tenge for the reconstruction of the strict-regime correctional colony (ZK-169/5) in the city of Qyzylord and the addition of 1,000 beds (compared with 1,254,000,000 tenge in 2012 and 308,238,000 tenge in 2013);

(b) A total of 4,848,209,000 tenge for the construction of a detention facility in the city of Uralsk (compared with 588,564,000 tenge in 2013, 2,933,320,000 tenge in 2014 and 1,326,325,000 tenge in 2015);

(c) A total of 1,186,154,000 tenge for reconstruction of the strict-regime correctional colony in the city of Uralsk and the addition of 900 beds (compared with 871,000,000 tenge in 2013 and 315,154,000 tenge in 2013);

(d) A total of 3,142,701,000 tenge for construction and reconstruction at the strict-regime correctional colony (LA-155/12) in the town of Zarechny, Almaty province (compared with 33,800,000 tenge in 2012, 1,455,944,000 tenge in 2014 and 1,652,957,000 tenge in 2015).

103. A law on amendments to certain legislative acts on the decriminalization of economic crimes was adopted in 2013 with a view to liberalizing criminal policy on economic crimes. The law will expand the list of alternatives to deprivation of freedom for five offences, including illegal entrepreneurship, illegal banking operations and infringement of the procedures and rules for labelling excisable goods, which currently entail the criminal penalties of corrective labour and restriction of liberty.

104. Deprivation of liberty has been removed from the penalties under two articles of the new Criminal Code: deliberate insertion of false information into the register of securities holders and deletion of documents and data comprising the register of securities holders. It is proposed to transpose two offences — infringement of procedures for the issuance of securities and fraudulent bankruptcy — from the category of ordinary offences to that of minor offences by reducing the maximum prison term from 3 to 2 years. At the same time, offences under article 191, paragraph 1, which criminalizes illegal banking operations, are to be transposed from the category of ordinary offences to that of minor offences by replacing the penalty of deprivation of liberty with restriction of freedom.

105. In 2014, an outline of 10 measures to reduce the prison population was presented to the Procurator-General's Office.

106. One approach to ensuring the safety of prisoners and bringing the penitentiary system up to international standards is the transition to single-cell detention, which is the most effective and safe method of detention for both inmates and prison staff.

107. There are currently seven facilities with single-cell housing.

108. In accordance with Government Decision No. 430, of 7 April 2012, if bodily injury is detected or a complaint made by a person who has been convicted or taken into custody, the staff of the prison must arrange for an independent examination to be conducted by specialists from the region's forensic medical institute.

109. In 2011, an addition was made to article 73 of the Penalties Enforcement Code, according to which persons convicted of especially serious offences are not subject to transfer to open prisons.

110. A new Penalties Enforcement Code has been drafted with a view to making the penitentiary system of the Republic of Kazakhstan more humane. Among the main benefits of the new Code are improvements in the system for enforcement of penalties, entailing significantly better protection for the personal inviolability of prisoners and for their rights and lawful interests.

111. The new Penalties Enforcement Code provides for the right of convicted persons to make oral and written proposals and complaints, in accordance with the law, to the administration of the relevant correctional institution, to higher bodies responsible for administering such institutions, to the courts, the prosecution and other government institutions, to civil society and to international organizations involved in the protection of human rights and freedoms.

112. Convicted persons will be entitled to receive qualified legal assistance in accordance with the legislation.

113. The Penalties Enforcement Code thus provides a mechanism for the protection of the rights of convicted persons through institutional, prosecutorial and public oversight.

The State party should abolish the exit visa requirement and ensure that the requirement that individuals register their place of residence is in full compliance with the provisions of article 12 of the Covenant.

114. According to paragraph 68 of the rules for the issuance, extension and reduction of the length of visas, persons wishing to leave the Republic of Kazakhstan are granted one-time exit visas in categories "P1" to "P8", unless their situation is otherwise regulated by the international agreements of Kazakhstan. In addition to exit visas, non-immigrant and immigrant visas may also be provided.

115. Category "P1" visas are issued to permanent residents of Kazakhstan upon leaving the country to take up permanent residence elsewhere; "P2" visas are for persons who have

lost their travel documents in the territory of the Republic of Kazakhstan; "P3" visas are for persons in respect of whom a decision has been taken to reduce the length of their stay in Kazakhstan; "P4" visas are for persons in respect of whom a decision has been taken to impose an administrative penalty, unrelated to expulsion, if there are no grounds for their continued presence in Kazakhstan; "P5" visas are for persons who have arrived in Kazakhstan under an agreement on visa-free entry and stay, if there are no grounds for their continued presence in the Republic of Kazakhstan; "P6" visas are for persons released from correctional institutions in the territory of Kazakhstan; "P7" visas are for persons who can submit proof of force majeure events — flight delays or cancellations, missed trains or the departure of other transport — that prevent them from leaving the country before their visa expires or their visa-free stay comes to an end; "P8" visas are for persons who have reported that they were victims of acts designated under the Criminal Code as serious or particularly serious offences.

116. Other persons have no need to obtain an exit visa.

117. Registration by place of residence is necessary to monitor the internal migration of the population. There is no empirical evidence to show that such registration has restricted the right of citizens to travel within the country.

The State party should review its legislation on refugees to ensure that it complies with the Covenant and international standards on refugee and asylum law. The State party should also ensure that it provides the necessary cooperation to UNHCR in order to allow it to execute its mandate and functions as provided for under UNHCR Statutes, the 1951 Convention and other international treaties ratified by the State party in order to guarantee the rights provided under the Covenant.

118. The Refugees Act of 4 December 2009 was adopted after Kazakhstan had acceded to the 1951 Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees. It was adopted with due regard for the provisions of the above Convention, and in general it complies with international standards for the protection of the rights of refugees.

119. The Population Migration Act of 22 July 2011 contains article 60, which does not contradict the above-mentioned instruments and has been included to ensure national security and the monitoring of the migrant population. Under the Act, illegal immigrants are to be expelled from Kazakhstan to their State of origin (the country of nationality of a foreign national or of habitual residence of a stateless person) in accordance with the legislation of Kazakhstan. A decision on expulsion is taken by a court. The Code of Civil Procedure includes chapter 36-4, covering court proceedings for the expulsion of a foreign national or stateless person for violation of the legislation of Kazakhstan.

120. In 2012, the Refugees Act was adjusted to indicate that refugee status is granted by the appropriate authorities.

121. In January 2013, the Labour Code was supplemented to state that certification of refugee status may be included in the list of documents based on which employment contracts may be concluded.

122. The United Nations High Commissioner for Refugees is an active partner in protecting the rights of refugees, stateless persons and other types of migrants, providing tangible technical and expert support in these matters. One of the results of this cooperation was the issuance of a special report on the situation concerning the rights of expatriates (oralman), stateless persons and refugees in Kazakhstan by the Commission on Human Rights under the Office of the President. The report puts forward extensive recommendations to further improve the protection of refugees and to reduce and prevent statelessness.

The State party should ensure that any measures taken to protect State secrets should not involve undue restrictions on an individual's right to access lawyers of their choice. Furthermore, the State party should ensure that in all cases of arrest, the arresting officers execute the obligation, at the time of arrest, of informing accused persons of their right to a lawyer.

123. In the new text of the Code of Criminal Procedure, provisions have been introduced to oblige law enforcement officers to explain to detainees their rights and obligations, including the rights to protection and not to testify against oneself.

124. In accordance with article 1 of the State Secrets Act of 15 March 1999, State secrets are deemed to be information protected by the State and constituting State and official secrets whose dissemination is restricted by the State so that it may carry out effective military, economic, scientific, technical, economic, foreign policy, intelligence, counter-intelligence, investigative and other activities in full compliance with the generally accepted rules of international law.

125. In order to prevent improper access to information constituting State secrets by persons without the necessary authorization, it is recommended that materials for criminal cases that contain State secrets should be attached to the case separately from unclassified materials (separate volumes).

126. Criminal proceedings are held in open session in courts at all levels. The transparency of proceedings may be restricted on the basis of a court order in cases where such transparency might jeopardize the protection of State secrets. Article 29, paragraph 1, of the Code of Criminal Procedure of 13 December 1997 likewise provides for other grounds for holding court proceedings in closed session. The list of such grounds is exhaustive and is not subject to broader interpretation.

127. In the absence of the grounds for restricting the transparency of proceedings as set out in article 29, paragraph 1, of the Code of Criminal Procedure, including those relating to the protection of State secrets, the fact that a serious or especially serious offence such as organized crime or terrorism has been committed does not justify the holding of criminal proceedings in closed session.

128. As stipulated in article 53, paragraph 4, of the Code of Criminal Procedure, evidence containing information that constitutes a State secret is examined in closed session. Only those participants in the trial who are duly authorized to access State secrets may be present.

129. Access to State secrets prior to the court proceedings is arranged by the officers of the court for judges, jurors, the court clerk and other court officials; by the prosecution team for the lead prosecutor; and by judicial officials for defence counsel and other persons involved in criminal proceedings. No limitations on the provision to lawyers of access to State secrets due to a lack of resources or any other unlawful grounds are permitted.

130. The case law shows no problems in this area.

The Committee encourages the State party to take necessary measures to review its legislation with a view to providing for alternative military service. The State party should also ensure that the law clearly stipulates that individuals have the right to conscientious objection to military service, which they should be able to exercise before the commencement of military service and at any stage during military service.

131. Article 36 of the Constitution provides that the defence of the Republic of Kazakhstan is a sacred duty and responsibility of every person and that citizens of the Republic must do their military service, in accordance with the procedure and in the forms established by law. The Act on Military Service and the Status of Military Personnel was adopted on 16 February 2012. Military status entails the general rights, freedoms and duties

of military personnel as citizens of Kazakhstan, with all the exceptions and limitations established by law, as well as the specific rights, obligations and responsibilities derived from the nature of military service.

132. The Act has undergone a great number of changes. Since March 2013, citizens have been entitled to join the military for one month and to receive pay for military service. The purpose of this innovation was to give persons who hitherto had been unable for certain reasons to perform military service the opportunity to do so.

133. In accordance with article 12 of the Act on Military Service and the Status of Military Personnel, compensated or paid training is provided based on a set of rules for the preparation of citizens for military service, the organization and conduct of such preparation and the development of instructional materials for basic military training, approved by Government Decision No. 118 of 11 February 2013.

The State party should ensure that its law relating to the registration of religious organizations respects the rights of persons to freely practise and manifest their religious beliefs as provided for under the Covenant.

134. A religious association acquires legal capacity as a legal entity from the moment of its State registration. The general terms and time frames for State registration of religious associations and registration of affiliates and local offices, reregistration and denial of such registration are set out in the law on governmental registration of legal entities and their affiliates and branch offices of 17 April 1994. The particular features of State registration of religious associations are laid down in the Act of 11 October 2011 on Religious Activities and Religious Organizations.

135. The registration procedures do not involve the imposition of any insuperable obstacles upon the missionary activities of religious groups and citizens, they merely introduce a specific accounting system and systematize the approach to religion throughout the territory of Kazakhstan. The registration of religious associations is motivated by the need to protect the constitutional framework and the morals, health, rights and lawful interests of individuals and citizens and to safeguard the security of the State and society while ensuring respect for the principle of freedom of belief and religion.

136. According to the Act of 11 October 2011 on Religious Activities and Religious Organizations, no one is entitled to refuse on grounds of religion to fulfil the duties set out in the Constitution and legislation of Kazakhstan. Citizens of Kazakhstan who are members of the clergy, missionaries, leaders or followers (members) of religious associations may participate in politics like all other citizens, but only in their personal capacity.

137. The Code of Administrative Offences defines the degree of threat to the public and sets out penalties for the infringement of obligations under the legislation, while not restricting the right of citizens to freedom of religion. The responsibility for violation of the obligations under the Act on Religious Activities and Religious Associations, as envisaged in the Code of Administrative Offences, flows from a fundamental provision of the Constitution, which states: "The Republic of Kazakhstan holds itself to be a State governed by the rule of law." The cardinal principle of governance by rule of law is that the law prevails in all spheres of public life and is the prime resource for the organization and protection of the freedom of the individual. This means that all public authorities, religious associations, officials and citizens are obliged to act on the basis of, in accordance with and in compliance with the law. Accordingly, the penalties for violations of the Act on Religious Activities and Religious Associations apply on the same basis to all persons legally involved in religious activities.

138. It should also be noted that a visit by the Special Rapporteur on freedom of religion or belief, Professor Heiner Bielefeldt, took place in 2014; he stated that religious and ethnic pluralism is a distinctive feature of Kazakh society.

The State party should ensure that journalists, human rights defenders and individuals are able to freely exercise the right to freedom of expression in accordance with the Covenant. In this regard, the State party should review its legislation on defamation and insults to ensure that it fully complies with the provisions of the Covenant. Furthermore, the State party should desist from using its law on defamation solely for purposes of harassing or intimidating individuals, journalists and human rights defenders. In this regard, any restrictions on the exercise of freedom of expression should comply with the strict requirements of article 19, paragraph 3, of the Covenant.

139. The Republic of Kazakhstan, as a democratic State, has pledged to respect and ensure to all individuals within its territory and subject to its jurisdiction the right to freedom of expression. Any measures adopted by the Government to restrict such rights must be necessary to ensure respect for the rights or reputations of others or for the protection of national security or public order (ordre public) or public health or morals. Such measures must be in full conformity with article 19 of the Covenant.

140. In view of the constitutional right of citizens to defence of their honour, dignity and professional reputation, at present the idea of decriminalizing libel, defamation and insult to the honour and dignity of citizens is not being addressed; one of the main tasks of the Criminal Code is the protection of the rights, freedoms and legitimate interests of individuals and citizens.

141. Nevertheless, efforts are gradually being made towards liberalization in this sphere. For example, in 2011, a provision was included in the Civil Code to prevent corporations from seeking compensation for moral harm. This means that in legal proceedings to defend their honour, dignity and professional reputation, corporations cannot claim compensation from media outlets for moral injury.

142. The law of 18 January 2011 on amendments to certain legislative acts to promote further liberalization of the criminal legislation and to strengthen guarantees of due process has instituted issue or claim preclusion in legal proceedings.

143. Article 129 of the Criminal Code (Defamation) was amended to do away with the penalty of up to 6 months' detention for spreading libel through the media.

144. It should also be noted that under the current legislation on criminal procedure, defamation is classified as a charge brought by a private individual, in which legal proceedings are initiated on the basis of a complaint by the victim, who also submits relevant evidence.

The State party should re-examine its regulations, policy and practice, and ensure that all individuals under its jurisdiction fully enjoy their rights under article 21 of the Covenant. It should ensure that the exercise of this right is subjected to restrictions which comply with the strict requirements of article 21 of the Covenant.

145. The right to freedom of peaceful association is guaranteed by the Constitution in Kazakhstan. This right is enshrined in article 32 of the Constitution, although it may be limited by domestic legislation in the interests of the State and to protect the rights and freedoms of others. The right to freedom of peaceful association and assembly is regulated by the law on the procedure for organizing and conducting peaceful assemblies, rallies, marches, protests and demonstrations, adopted on 17 March 1995.

146. Under the law on the procedure for organizing and conducting peaceful assemblies, rallies, marches, protests and demonstrations, an application to hold such an event must be submitted in writing at least ten days prior to the scheduled date of the event. The application must indicate the purpose, nature and place or route of the event, its starting and finishing times, the expected number of participants, the full names of the official organizers and of persons responsible for ensuring public order, their home addresses and the addresses of their places of work or study and the date of submission of the application. The date the application was submitted is calculated as from the date of its registration with the authorities in regional capitals or the nation's capital.

147. The local authorities, in turn, consider the application and inform the official organizers of their decision no later than five days before the event specified in the application is to take place. The local authorities are entitled to propose to the organizer, where necessary, a different time and venue for the event in the interests of protecting the rights and freedoms of third parties and public safety, ensuring that transport and infrastructure can function normally and preserving trees, plants and small monuments. This decision may, however, be appealed in the manner prescribed by the legislation in force.

148. The above-mentioned law states the requirements that must be met at the time of the assemblies, rallies, marches, protests and demonstrations. Also stated is the fact that the organizers, as well as other participants, have a responsibility to uphold public order.

149. According to article 5 of the law, the organizers and participants in the event are prohibited from interfering with traffic and the movement of pedestrians; interrupting the unimpeded operation of infrastructure in populated areas; setting up huts, tents or other temporary structures without the consent of the authorities in regional capitals or the nation's capital; harming trees, plants or small monuments; carrying blades, firearms, other weapons or specially prepared or adapted objects that may be used to endanger people's lives or health or cause material damage to persons or to the property of legal entities; and interfering in any way with the work of law enforcement agencies to ensure public order during the event. Moreover, in such situations, the organizers bear responsibility under the law for non-compliance with the provisions of article 5.

150. Government bodies, public associations and citizens are not entitled to prevent assemblies, rallies, marches, protests and demonstrations conducted in accordance with the procedure laid down in this law.

151. It is prohibited to hold mass events in the facilities of rail, water and air transport, as well as in institutions that provide national defence, State security and the livelihood of the population (urban transport, water supply, electricity, heat and other utilities) and in health and educational institutions.

152. Assemblies, rallies, marches, protests and demonstrations must be unconditionally stopped on orders from the authorities in regional capitals or the nation's capital if: an application was not submitted, a decision was taken to prohibit the event or the procedure for holding the event as set out in articles 4, 5 and 7 of the law on the procedure for organizing and conducting peaceful assemblies, rallies, marches, protests and demonstrations was infringed, if a threat arises to the life and health of citizens or if public order is breached.

153. In the event of a refusal to meet the legitimate demands of representatives of the authorities of the regional capitals or the nation's capital, such authorities may order law enforcement agencies to take action to stop the assemblies, rallies, marches, protests and demonstrations which violate the established order for organizing and holding such events, and the individu ls concerned will be liable to prosecution in accordance with the legislation of Kazakhstan.

The State party should bring its law, regulations and practice governing the registration of political parties in line with the Covenant. It should in particular ensure that the process of registration complies with articles 22, paragraph 2, and 25 of the Covenant. The State party should not use the process of registration to victimize groups that are considered as holding contrary political views to the ruling party.

The State party should take practical steps to put an end to corporal punishment in schools and institutions. It should also encourage non-violent forms of discipline as alternatives to corporal punishment in family settings and conduct public information campaigns to raise awareness about its harmful effects.

154. Efforts are being made in Kazakhstan to prevent violence against children in schools. Seminars and workshops for teachers and parents of students are held by the Ministry of Education and Science. At the regional level, model programmes for the prevention of violence against children in educational institutions are being devised and introduced. A national telephone hotline for children and adolescents (dial 150) has been developed. From 2009 to 2013, the hotline received more than 600,000 calls, including more than 18,000 on violations of human rights.

155. In 2010, a supplementary penalty in the form of deprivation of the right to hold certain posts or engage in certain activities was incorporated in the Criminal Code for teachers or other persons who have educational responsibilities under the law and who commit violent crimes against minors.

156. In 2011, the Criminal Code was amended to stiffen the penalty for causing injury to a person known to be a minor.

157. In 2012, amendments were made to the Labour Code to prohibit organizations and agencies that work with minors in the field of education, recreation and rehabilitation, physical culture and sports, medical support, social services, culture and the arts from entering into a labour contract with persons who have been convicted of committing crimes against minors (murder, intentional infliction of bodily harm, violation of sexual integrity).

158. New texts of the Penalties Enforcement Code and the Code of Administrative Offences, in which criminal and administrative liability for crimes and offences committed against children are to be strengthened, are currently being worked out in Parliament.

The State party should strengthen its efforts to promote the participation of minority groups in political life and decision-making bodies by, inter alia, adopting temporary special measures. The State party is requested in its second periodic report to provide data disaggregated by ethnic groups on the representation of minority groups in political bodies and decision-making positions.

159. There is currently a group of deputies in the Majilis (lower house of Parliament) called the Assembly of Peoples of Kazakhstan. Its main tasks are:

(a) Active participation in ensuring favourable conditions under the legislation for bolstering inter-ethnic and interfaith harmony and tolerance and preventing politicization on the basis of ethnicity as well as manifestations of extremism and radicalism in society;

(b) The development of patriotism and a Kazakh identity by consolidating ethnic groups based on their civil, spiritual and cultural similarities, underpinned by the central role of the Kazakh language and culture;

(c) Implementing the cultural project "A trinity of languages", expanding the use of the official State language and developing the culture, languages, traditions and customs of all ethnic groups in Kazakhstan;

(d) Contributing to the development, implementation and amelioration of the Government's demographic and migration policies and supporting the Kazakh diaspora in foreign countries in maintaining and developing their native language, culture and ethnic traditions and strengthening their ties with their historic homeland;

(e) Legislation to guarantee national unity and support the development of a broad public consensus on the foundation for modernizing Kazakh society;

(f) Enhancing the role of the Assembly of Peoples of Kazakhstan in the democratization of the political system and the solution of contemporary problems of social development;

(g) Ensuring the effective interaction of Parliament with the Assembly of Peoples of Kazakhstan, State agencies and civil society in harmonizing inter-ethnic and interfaith relations.

160. Fifteen Senators are appointed by the President, taking into account the need for representation of the ethnic and cultural composition of the country and other significant factors. Nine members of the Majilis are elected by the Assembly of Peoples of Kazakhstan, a special institution that guarantees the electoral rights of ethnic minorities. The persons elected by the Assembly represent its interests and the interests of every ethnic group in the country.

161. As regards the representation of other ethnic groups in State institutions, about 27 per cent of the members of Parliament are not ethnic Kazakhs; in the Supreme Court, the figure is 18 per cent, in the executive branch, 6 per cent, and in local governing bodies (maslikhats), about 20 per cent.

162. From 5 to 9 April 2013, elections were held for the position of administrative head (*akim*) in regional capitals, towns and villages and in places not located in rural areas. A total of 2,454 regional administrators was elected. According to data from the Central Electoral Commission, 23 ethnic groups are represented among the regional administrators elected.

II. Implementation of the Covenant

Articles 1 and 27

163. As at 1 April 2013, the latest population figures stood at 16,967 thousand, of which 11,058 thousand (65.2 per cent) were Kazakhs, 3,698 thousand (21.8 per cent) were Russian, 511 thousand (3 per cent) were Uzbeks, 306 thousand (1.8 per cent) were Ukrainians, 243 thousand (1.4 per cent) were Uighurs, 203 thousand (1.2 per cent) were Tatars, 182 thousand (1.1 per cent) were Germans and 766 thousand (4.5 per cent) were of other nationalities.

164. There are more than 300 ethnic and cultural associations in Kazakhstan.

165. The Assembly of Peoples of Kazakhstan is a constitutional body, headed by the President. It is a unique institution which brings together more than 100 ethnic groups in the country. At present, the Assembly is composed of 394 members. The Majilis (lower house of Parliament) has 107 members, of which 9 are elected by the Assembly of Peoples of Kazakhstan. They represent the interests of all the ethnic groups in the country.

166. Largely as a result of the work of the Assembly, Kazakhstan has created a unique model of inter-ethnic and interfaith harmony, a special climate of trust, solidarity and

reciprocity, where every citizen, regardless of ethnic or religious group, possesses and may enjoy all the civil rights and freedoms guaranteed by the Constitution.

167. Support is given in Kazakhstan to associations involved in information and communication. There are over 35 newspapers and magazines for ethnic groups, 6 of which receive State support. Newspapers and magazines are issued in 11 languages, and television and radio programmes are broadcast in 7 and 8 languages, respectively.

168. Members of ethnic minorities are given the opportunity to study in their native language.

169. The following schools were open in the country in the 2013/14 school year:

- 57 in which the language of instruction was Uzbek (60 in 2012);
- 14 in which the language of instruction was Uighur (14 in 2012);
- 2 in which the language of instruction was Tajik (2 in 2012).

170. There were 91 mixed language schools with classes conducted in Uzbek (79 in 2012), 48 with classes in Uighur (49 in 2012) and 9 with classes in Tajik (10 in 2012).

171. Taking into account the interests of children and the density of minority populations, additional classes for study in the languages of ethnic minorities are opened up where necessary.

172. There are more than 70 Sunday schools in which children and young people may explore the traditions, customs and languages of ethnic groups that have a large local population.

173. All Sunday schools are held in national cultural centres and are provided with the necessary educational and historical materials and listening equipment.

Articles 2 and 26

174. In accordance with its legislation and international treaties, Kazakhstan guarantees the security of all persons and citizens in its territory. To citizens of Kazakhstan located outside the country, the State guarantees its defence and protection. In the course of ensuring national security, human rights and freedoms and civil rights may be restricted, but solely by law and solely to the extent necessary to maintain the constitutional system, preserve public order and protect human rights and freedoms and public health and morals. However, persons whose rights or freedoms have been restricted are entitled to receive explanations from the relevant authorities, in the manner prescribed by the legislation, regarding such restrictions. Officials who exceed their authority in ensuring national security incur liability as established by the law. Persons who provide assistance in ensuring national security are guaranteed the support of the State, including the remedies envisaged under the legislation of Kazakhstan.

175. Non-discrimination has been strongly promoted in Kazakhstan with a view to ensuring the equality of all peoples living in the country and gender, social and economic equality.

176. The Assembly of Peoples of Kazakhstan plays a fundamental role promoting equality and unity among peoples. From 2010 to 2013, it carried out many activities, including seminars, conferences, fairs, projects and the signature of memoranda.

177. Government policy in Kazakhstan aims to eliminate the vestiges of the policy carried out by the former Union of Soviet Socialist Republics regarding the ethnic structure of society and to address the adverse consequences of discriminatory Soviet policies

towards members of deported groups. The State routinely provides compensation payments to victims directly affected by the deportations.

178. Since 2011, studies specifically relating to inter-ethnic relations and racial discrimination have been introduced in the higher educational institutions.

179. From 2010 to 2012, the Human Rights Commissioner examined 39 complaints on issues of discrimination. Recommendations on certain complaints were sent to the relevant authorities.

180. Offences against equal rights have been committed with a view to inciting social, ethnic, clan, racial and religious hatred. For example, from 2010 to 2012, 78 such offences were recorded, although there were no instances of genocide or violations of equal rights.

181. In 2011, amendments were made to the Criminal Code to increase the criminal penalties for violations of the equal rights of citizens.

Article 3

182. According to the Gender Equity Index for 2012, compiled by the international NGO Social Watch, Kazakhstan was thirty-first in the world in terms of gender equality, ahead of practically all the countries of the Commonwealth of Independent States (CIS). In the ranking of countries on gender equality issued in late 2013 by a research team of the Davos Forum, Kazakhstan was placed thirty-second out of 136 countries, ahead of all the other CIS countries.

Article 4

183. An emergency is declared in Kazakhstan in the event that the democratic institutions, independence, territorial integrity or political stability of the Republic or the safety of its citizens are under serious and immediate threat and the normal functioning of the constitutional bodies of the State is disrupted.

184. The grounds for declaring a state of emergency are:

(a) Public emergencies caused by mass movements across the national borders from the territories of neighbouring States; attempts at the violent overthrow of the constitutional order; terrorist acts; attempts to seize or retain power by force in contravention of the Constitution; mass disturbances or inter-ethnic or interfaith conflicts; blockade or seizure of specific locations or highly sensitive and strategic facilities; training and operation of illegal armed groups; armed rebellion; sabotage; provocative acts by other States for the purpose of unleashing armed conflict; violation of the country's territorial integrity;

(b) Emergencies of a natural and man-made nature caused by: natural disasters (earthquakes, mudslides, avalanches, floods and others); environmental crises; forest fires; epidemics and epizootic outbreaks; infection of agricultural plants and forests with diseases and pests; industrial, transport and other accidents; fires (explosions); accidents resulting in (or threatening to result in) the release of aggressive poisonous, radioactive or biological substances; the sudden collapse of buildings and structures; dam failure and accidents at power plants, life-support systems, communications infrastructure, wastewater treatment plants and other installations requiring speedy stabilization of the situation and the restoration of the rule of law and of conditions for carrying out the necessary rescue and emergency relief actions.

185. The basis for the declaration of a state of emergency can also be something that, in the estimation of the competent emergency management agency, constitutes a real threat of a natural disaster or major accident (catastrophe).

186. The President declares a state of emergency throughout the country's territory or in certain of its regions after official consultations with the Prime Minister and the heads of the houses of Parliament and immediately informs Parliament to that effect.

187. An emergency situation is declared in the event that no solution can be found by other means.

188. In accordance with the law on emergencies of 8 February 2003, any measures taken under emergency conditions, any restriction of the rights and freedoms of physical persons and legal entities and any additional duties imposed on them must remain in concordance with the circumstances that prompted the declaration of an emergency. Measures and restrictions adopted in connection with emergencies must not contravene the international agreements in the field of human rights ratified by Kazakhstan.

189. The temporary restrictions that may be imposed on rights and freedoms in connection with the declaration of an emergency are laid down in chapter 4 of the law on emergencies, entitled "Measures and temporary limitations to be adopted in connection with emergencies". These measures and limitations are in conformity with the provisions of the Covenant.

190. With regard to the riots on 16 December 2011 in the town of Zhanaozen, Mangistau province: in order to ensure public safety, restore law and order and protect the rights and freedoms of citizens in Zhanaozen, an emergency was declared from 6 p.m. on 17 December 2011 to 7 a.m. on 5 January 2012.

191. According to Presidential Decree No. 197 of 17 December 2011 on the introduction of a state of emergency in the town of Zhanaozen, Mangistau province, during the state of emergency, a command and control centre was set up in Zhanaozen and endowed with the powers provided for in the law on emergencies.

192. During this period, the situation stabilized and all institutions resumed normal functioning.

193. The regulatory acts adopted in order to institute a state of emergency and the temporary restriction of the rights and freedoms of natural and legal persons are in force only during the period of the emergency, and they lapse at the end of a state of emergency without further notice.

Article 5

194. According to the Constitution, "The Republic of Kazakhstan proclaims itself a democratic, secular, socialist State governed by the rule of law in which the highest values are the individual, human life and rights and freedoms."

195. The fundamental principles of the Republic are: social harmony and political stability, economic development for the benefit of all, Kazakh patriotism and the resolution of the most important political issues by democratic means, including votes in referendums or in Parliament.

196. Article 39 of the Constitution provides that human rights and freedoms and civil rights may be restricted solely by law and solely to the extent necessary to maintain the constitutional system, preserve public order and protect human rights and freedoms and public health and morals.

197. Any acts that might disrupt inter-ethnic harmony are deemed unconstitutional. No restrictions of any kind on human rights or freedoms for political reasons are permitted. The rights and freedoms set out in articles 10, 11, 13, 14, 15, 16 (1), 17, 19, 22 and 26 (2) of the Constitution are not subject to restriction.

Article 6

198. Kazakhstan actively pursues a policy of ensuring the right to life, reducing mortality, including maternal and child mortality, and fatal road and workplace accidents and combating violent crime.

199. Over the past three years, there was a downward trend in maternal mortality nationwide, by 73 per cent; infant mortality dropped by 25 per cent.

200. From 2010 to 2013, mortality from cardiovascular disease was reduced by 20 per cent.

201. Workplace-related mortality declined by 18.9 per cent from 2010 to 2012.

202. From 2010 to 2013, the violent crime rate was trending downwards.

203. However, according to statistics from the subregional office of the United Nations Population Fund, Kazakhstan is among the countries with the highest rate of suicide. According to statistics from the World Health Organization, Kazakhstan has one of the highest levels of adult suicide and ranks high also in the number of suicides among adolescents and young people (World health statistics, 2011). On the scale of the World Health Organization, the critical level is 20 cases per 100,000 population per year, and in Kazakhstan, according to recent studies, this figure was 26.9 per 100,000 population. In order to halt this public health emergency, a suicidology service has been in existence since January 2013 and there is a single registry of cases of suicide. Training is provided for emergency medical doctors, teachers and school psychologists at the national psychiatric centre.

204. There is a high rate of mortality from road accidents in Kazakhstan. A number of steps are being taken to bring this rate down. Stricter penalties are being applied for traffic violations. For example, administrative measures like revocation of the driving permit may be introduced for driving at more than 40 kilometres an hour over the speed limit, crossing a lane into oncoming traffic and failure to comply with orders to stop from law enforcement officers. The amounts of fines have been increased. In the new Criminal Code, with a view to reducing fatalities on the roads, the penalties for driving a motor vehicle under the influence of alcohol or other inebriating substances have been stiffened by transposing this act from the category of administrative offences to that of criminal offences.

Article 7

205. Under article 17 of the Constitution, no one may be subjected to torture, violence or other cruel or degrading treatment or punishment. Human dignity is inviolable.

206. Under the Criminal Code, liability is incurred for violation of procedures for the conduct of clinical research and for the use of new methods and substances in prevention, diagnosis, treatment and medical rehabilitation.

Article 8

207. In 2012, the Government of Kazakhstan adopted a national plan to combat human trafficking. The plan provided for 40 specific actions over the following two years.

208. A wide range of actions is to be undertaken: analysis of international practice, signature of conventions, working out arrangements for the provision of special social services for trafficking victims, support for crisis centres and shelters, introduction of new approaches to criminal prosecution, staff skills development as well as preventive measures.

209. At the moment, the fourth plan to combat and prevent crimes linked to trafficking in persons is being carried out within the framework of cooperation among the States members of the Commonwealth of Independent States.

210. A shelter has been established which provides rehabilitation services for victims of trafficking. Support for the shelter is provided under a pilot project of the Ministry of Justice.

211. Twenty NGOs working on assistance to victims are active in the fight against trafficking in human beings.

212. Since 2010, a national helpline (116-16) can be accessed from fixed and mobile phones. The helpline is operated with the financial and technical support of the International Organization for Migration, the Union of Crisis Centres and the Ministry of Internal Affairs.

Article 9

213. Each year, hundreds of persons illegally detained by criminal prosecutors are released by the relevant monitoring agency. In 2010, 1,043 persons were released, in 2011 – 1,063, in 2012 – 1,152 and in 2013 – 803.

214. In 2012, the Human Rights Commissioner took steps to clarify the rules under which the maximum length of pretrial detention is 72 hours. In essence, the notion of restriction of freedom was given a broader interpretation, in accordance with international law, resulting in the revision of many procedures under which the right to freedom of movement could previously be restricted.

215. The new Code of Criminal Procedure provides for the introduction of the new post of judicial investigator, who will handle decisions on a number of procedural and investigative actions, as well as on preventive detention and house arrest and referral of minors to specialized institutions.

Article 10

216. In order to further develop the system for the enforcement of criminal penalties, a programme for the development of the penalties enforcement system, 2012–2015, was adopted and approved by Government Decision No. 775 of 9 June 2012.

217. To improve the health of convicts and remand prisoners held in places of detention, the following objectives were set and are being pursued: reducing the tuberculosis mortality rate (61.4 per 100,000 prisoners in 2011) to 61 in 2012, 60.7 in 2013, 60.3 in 2014 and 59.9 in 2015; containing the spread of HIV among persons held in correctional institutions (3 per cent in 2011) to 2–5; reducing mortality from circulatory system diseases (45 per 100,00 prisoners in 2011) to 44.7 in 2012, 44.4 in 2013, 44.1 in 2014 and 43.8 in 2015.

218. In 2012, training was provided to prison staff on international legal standards in the field of human rights, upholding human dignity in places of detention, the Optional Protocol to the Convention against Torture, national preventive mechanisms and respect for the law in correctional institutions.

219. There are currently 15 public monitoring commissions that are active throughout the country, with a membership consisting of 101 representatives of civil society, NGOs and human rights organizations.

220. The financing for the acquisition of utilities and equipment for correctional institutions has been increasing from year to year, from 246.7 million tenge in 2012 to 446.6 million in 2013 and 515 million in 2014.

221. Strict health and safety standards apply to the housing provided for convicts.

222. Since 2011, the nutritional standards for convicts have been raised, and the daily food ration has been increased to include 26 food items, which has practically eliminated all complaints by convicts regarding nutritional quality and standards.

223. Changes have been introduced to reduce the amount of time for which the same set of bedding is used (in correctional institutions, from 2 years to 1, and in remand centres, from 8 to 6 months).

224. From 2010 to 2013, international treaties with Spain, Turkey and China on the transfer of convicted persons were ratified. A similar treaty with Italy is in the process of ratification. The above-mentioned international instruments allow convicts to serve their sentences in the State of which they are citizens.

Article 11

225. Kazakhstan has fulfilled the obligations set out in this article. The Act of 18 January 2011 removed from the Criminal Code article 195, which established criminal liability for the wilful evasion of the settlement of debts. This article had stated that wilful evasion by the head of an organization or a citizen of the settlement of large debts after the entry into force of a court order was punishable by a fine of 200 to 500 monthly reference units, in the form of wages or other income of the prisoner for a period of 2 to 5 months, by arrest for 4 to 6 months or unpaid labour for up to 2 years or by incarceration for that same period. For individuals, large debts are amounts exceeding 500 monthly reference units, and for an organization, they are amounts exceeding 2,500 monthly reference units. There is also no such provision in the new Criminal Code.

Article 12

226. According to article 21 of the Constitution, everyone lawfully within the territory of Kazakhstan has the right to freedom of movement within that territory and free choice of residence, except in cases specified by law. Everyone has the right to leave Kazakhstan. Citizens have the right to return to Kazakhstan unimpeded.

227. In accordance with article 16 of the Act of 19 June 1995 on the legal status of foreign nationals, foreigners may travel freely in Kazakhstan, which is open to their visits, and may choose a place of residence in accordance with the procedure established by legislation. Restrictions on movement and on the choice of place of residence may be imposed by the competent authorities when necessary to ensure national security and protect public order, public health and the morals, and the rights and legitimate interests of citizens and other persons.

Article 13

228. Expulsion (deportation), return and extradition are carried out on the basis of national legislation and international treaties. The general rules on the extradition of foreign nationals and on the submission of requests to the authorities of foreign States for the extradition of Kazakh nationals are set out in the Code of Criminal Procedure.

229. Foreign nationals may be deported for breaches of the legislation on migration, if the Code of Administrative Offences provides for such a penalty.

Article 14

230. The international NGO World Justice Project has presented its Rule of Law Index for 2014. Kazakhstan was ranked seventy-first, ahead of practically all other countries in the Commonwealth of Independent States (CIS).

231. The judicial system is being developed on a continual and gradual basis, principally through the specialization of courts and judges, including the introduction of juvenile courts and the creation of specialized criminal courts. At present, there are 378 general, administrative, economic, criminal, juvenile and financial courts in Kazakhstan, employing 2,214 judges who have undergone strict screening of their qualifications. Criminal cases dealing with the most serious crimes are considered with the participation of a jury. The role of the judge and of defence counsel may be forthcoming in the new Criminal Code and Code of Criminal Procedure.

232. Both contain proposals limiting the incidence of judicial review and reducing the categories of cases subject to adjudication by the Supreme Court. On the initiative of the Supreme Court, amendments have been made to the new Code of Criminal Procedure to increase the powers of the investigating judge; in general, this will increase the effectiveness of the mechanism for protecting the rights of persons in the criminal justice system.

Article 15

233. Kazakhstan fully respects the norms of the Covenant concerning the prohibition of criminal conviction for acts not recognized as crimes at the time they were committed. Article 77 of the Constitution proclaims one of the principles of legal proceedings to be that laws establishing or intensifying criminal penalties, imposing new obligations or worsening the situation of offenders have no retroactive effect. If, after an offence is committed, the penalty for the offence is revoked or reduced by law, the new law prevails.

234. The Criminal Code contains the same provision. Article 4 of the Criminal Code clearly states that the criminal nature of an act and the penalty that it incurs are determined by the legislation in force at the time of the act's commission. The time of commission of an offence is considered to be the time when the act or omission that poses a danger to society takes place, regardless of when the consequences ensue.

235. Article 5 of the Criminal Code stipulates that a law that decriminalizes an act, reduces the relevant penalty or otherwise improves the situation of the offender has retroactive effect, that is, it applies to persons who committed the act before the law took effect, including persons then serving sentences and persons having served their sentences, although the offence remains on their criminal record. Furthermore, paragraph 2 of the same article stipulates that, if the new criminal law reduces the penalty for a crime for which a sentence is currently being served, the penalty is to be reduced in accordance with

the limits established under the new law. A law that criminalizes an act and imposes a heavier penalty or otherwise worsens the position of the offender does not have retroactive effect.

236. The criminal legislation of Kazakhstan consists solely of the Criminal Code. Other laws providing for criminal liability are applicable only after they are added to the existing Criminal Code. In other words, anyone, including members of the armed forces, who commits a crime or engages in misconduct or other wrongdoing must bear criminal, administrative, civil and disciplinary liability in accordance with the laws in Kazakhstan.

237. The National Legal Policy Framework, 2010–2020, was approved by Presidential Decree No. 858 of 24 August 2009. This Framework outlines the future legal policy to be carried out by Kazakhstan and marks a new stage in the development and formation of the national legal system. The main thrust of the Framework is the continued liberalization of criminal policy. Another important innovation is finding ways to phase out criminal repression by providing greater scope for exemption from criminal punishment, particularly for persons who do not pose any special threat to society (minors, persons who have committed an offence through negligence and other persons where there are mitigating circumstances).

238. Bringing criminal law into line with the international treaties ratified by Kazakhstan is another important feature of the Framework. It is not only decriminalization that is involved, but also its opposite, namely the criminalization of certain types of offences.

239. Amendments to the Legal Policy Framework have adjusted the development of the national legal system to the new requirements introduced by Presidential Decree No. 731 of 16 January 2014.

240. The changes introduced include plans to create standards for State service and elements of an "e-justice" system, which together will ensure a gradual transition to a paperless environment when citizens and organizations submit requests to State bodies. In order to upgrade the work of law enforcement bodies, taking into consideration the current efforts to modernize legislation in this field, the Framework provides for the implementation of measures for a faster and more efficient criminal policy that offers a high level of protection for the rights of citizens.

Article 16

241. In accordance with article 13 of the Constitution, everyone has the right to recognition as a person before the law and the right to defend his or her rights and freedoms, including that of self-defence, by all lawful means.

242. Similarly, under article 12 of the Constitution, human rights and freedoms belong to everyone from birth, and are recognized as absolute and inalienable; they inform the content and govern the implementation of laws and other legal acts.

243. Article 25 of the Marriage and Family Code covers the registration by the State of the birth of a child. Under article 187 of the Code, the birth of a child is registered on the basis of a birth certificate or a copy of the court decision establishing the fact of the child's birth.

244. In 2013, a new Act on personal identification documents came into force. This Act lays down the legal foundation for personal identification documents, establishes the requirements for obtaining them and regulates activity regarding the production, issuance, exchange, deposit, confiscation and destruction of personal identification documents.

245. The following constitute personal identification documents: a passport for citizens of Kazakhstan; identity card for citizens of Kazakhstan; residence permit for foreigners; identity card for stateless persons; diplomatic passport of Kazakhstan; identity card for refugees; identity card for seafarers of Kazakhstan; foreign passport; documents guaranteeing return travel; and the birth certificate. In cases provided for by the Code of Criminal Procedure, a driving licence and a military service card may be accepted as personal identification documents (article 6 of the Act).

Article 17

246. From 2010 to 2012, the Commissioner of Human Rights received 10 complaints regarding the right to privacy, including personal and family privacy, the defence of honour and dignity and the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, mail and telegrams.

247. In these complaints, citizens raised issues concerning the adoption of measures to prevent stalking by unknown persons and contested the actions of a television channel for broadcasting false information. As part of the consideration by the Office of the Commissioner for Human Rights of these complaints, the claimants were provided with legal counsel on the protection of their rights.

248. From 2010 to 2012, 2,777 crimes against privacy were recorded.

Number of crimes against privacy recorded

Articles of the Criminal Code	*2010*	*2011*	*2012*
Art. 142 (Infringement of privacy)	0	1	4
Art. 143 (Illegal violation of private correspondence, telephone calls, mail, telegrams and other messages)	38	30	67
Art. 144 (Divulging of a medical secret)	0	0	1
Art. 145 (Infringement of the inviolability of the home)	566	805	1 265

249. In 2011, the Information Security Framework through 2016 was adopted with the aim of developing an information security management system to secure the national information infrastructure and the single national information space. Other aims were drawing up and implementing a single State technical policy in the field of information security, including the development and strengthening of the national system for the protection of information and defence of the rights of the individual and the interests of society and the State in relation to information.

250. In 2013, the Data Protection Act was adopted with a view to protecting the rights and freedoms of persons and citizens during personal data collection and processing. In connection with the entry into force of this Act, a series of amendments were made to the Labour Code, Civil Code and Criminal Code.

Article 18

251. Article 22, paragraph 1, of the Constitution states that everyone has the right to freedom of conscience and that the exercise of the right to freedom of conscience must not condition or limit universal human and civil rights and responsibilities before the State.

252. The existence of freedom of religion in the country is affirmed in article 3 of the Act on Religious Activities and Religious Associations, which states that the obstruction of

lawful religious activities, the violation of the civil rights of individuals on grounds of their attitude to religion or insults to their religious feelings and the desecration of objects, structures and places revered by followers of any given religion are prohibited.

Article 19

253. As of 1 January 2012, there were 2,740 media outlets in Kazakhstan, of which 439 (16 per cent) were State-run and 2,301 (84 per cent) non-State; 91 per cent of all media outlets were newspapers (1,662) and magazines (832), 8.5 per cent were electronic media and 0.5 per cent were news agencies.

254. The public authorities are taking steps to guarantee the right to access the information held by the authorities and to facilitate full disclosure.

255. Furthermore, to ensure information security, as defined in the National Security Act, it is necessary to block defamatory Internet sites. For example, in January 2012, the Act on the Media was amended to stipulate that the dissemination of content from foreign media that violates the Constitution and the provisions of the Act itself is prohibited by law, and that access to foreign web pages in the territory of Kazakhstan may be suspended.

256. In 2012, the Broadcasting Act was adopted. Its basic principles concern upholding constitutional guarantees of the right to freely receive information and to disseminate it in any manner not prohibited by law; freedom of expression and creativity; and ensuring the security of information pertaining to an individual, society and the State when using television and radio broadcasting services.

Article 20

257. The new Criminal Code provides for criminal liability for the following crimes against peace and security: propaganda and public calls for the pursuit of wars of aggression and the incitement of social, national, ethnic, racial or religious hatred. The new Criminal Code also provides for the punishment of these crimes.

258. In accordance with paragraph 2.1 of the Act on the Media, the owners and the editors-in-chief of media outlets are held liable, as established by national legislation, for disseminating reports and other items, independent of their source, containing propaganda or agitation aimed at the violent disruption of the constitutional order, the violation of the integrity of the State or the undermining of State security, war, social, racial, national, religious, class or ethnic superiority, a cult of cruelty and violence and pornography.

Article 21

259. From 2010 to 30 September 2013, 1,222 manifestations of various types, attended by more than 250,000 people, took place throughout the country. Of these, a total of 660 were unauthorized activities involving more than 138,000 citizens. From 2010 to 2013, 1,211 protests were recorded throughout the country; 170 of them were authorized, 630 were unauthorized, 411 did not require the permission of a local executive body, 819 were economic in nature and 392 were political.

260. These included 182 rallies, 267 street protests, 56 strikes and 624 assemblies.

261. Article 334 of the Criminal Code was amended by the Act of 18 January 2011 to further liberalize criminal legislation and to strengthen safeguards of the rule of law in criminal proceedings; the amendments lightened the penalties for breaches of the laws on

the procedure for organizing and conducting peaceful assemblies, rallies, marches, protests and demonstrations.

262. It should be noted that the legal regulations for organizing assemblies comply with international legal norms, specifically those of the Universal Declaration of Human Rights, and the practices of countries recognized as having a developed democratic system.

Article 22

263. Under the Constitution of Kazakhstan, citizens are entitled to freedom of association. The activities of public associations are regulated by law. In accordance with the Act on public associations of 31 May 1996, political parties, trade unions and other citizens' associations are recognized as public associations.

264. A public association may be created on the initiative of a group comprising no fewer than 10 citizens of Kazakhstan.

265. The right of citizens to create public associations is exercised both directly, through the association of natural persons, and through public associations (with the exception of political parties and trade unions) that are legal entities. The founders of a public association may be natural persons and/or public associations (with the exception of political parties and trade unions), that are legal entitles and call a constituent congress, conference or meeting where statutes are adopted and governing bodies created. The founders of a public association, both natural persons and/or legal entities, have equal rights and responsibilities.

266. State registration and re-registration of public associations takes place in accordance with the procedure and within the time limit established by legislation on the State registration of legal entities.

267. The Ministry of Justice undertakes the State registration of national and regional public associations, structural units (affiliates and representatives) and foreign and international non-profit and non-governmental associations. Regional agencies of the judiciary undertake the registration of local public associations, affiliates and representatives. To register a public association, an application must be submitted to the registering agency within two months of its foundation. The following items must be included in the application: the statutes, the official record of the constituent congress, conference or meeting where the statutes were adopted, information about the persons who founded the association, documents confirming its location and also the receipt for the payment of fees for State registration.

268. The legal basis for establishing political parties, their rights and responsibilities and safeguards relating to their operations and their relations with State agencies and other organizations are all set out in the Political Parties Act of 15 July 2002.

269. A political party is defined as a voluntary association of citizens that represents the political wishes of citizens and various social groups, takes up their interests in representative and executive bodies of central and local government and is involved in forming such bodies. A political party does not have the right to act on behalf of the people.

270. Under the Political Parties Act, citizens have the right to freedom of association in political parties, but they may be a member of only one party. Membership of a political party may not be used as grounds for the restriction of citizens' rights and freedoms. Everyone is entitled to disclose or not to disclose his or her party affiliation.

271. Article 6 of the Political Parties Act stipulates that a political party may be set up on the initiative of a group of citizens of Kazakhstan comprising no fewer than 1,000 persons,

who call a constituent congress or conference and who represent two thirds of the population of a province, a regional capital or the national capital. Citizens participate in person in the constituent congress or conference of the political party. Representation of citizens by proxy is not permitted at a constituent congress or conference of the political party.

272. The creation of the political party, including the organization of a constituent congress or conference, is financed in accordance with the requirements of article 18 of the above-mentioned Act.

273. Under the Political Parties Act, the organizing committee must present to the registering agency notification of the intent to create a political party using the form set by the registering agency. On the day the registering agency receives the notification and other documents, it issues a document to a competent person on the organizing committee confirming the submission of the relevant papers.

274. Under the Act of 6 February 2009 on amendments to the Political Parties Act, amendments were introduced concerning the creation and reorganization of political parties and regarding funding. Financing began to be allocated to political parties represented in the lower house (Majilis) of Parliament after the most recent elections. In addition, under the Act of 16 February 2012 on amendments to certain legislative acts on defence and military service, amendments were introduced regarding membership of political parties in the event of enlistment for military service.

275. In accordance with the Act of 24 December 2012 on amendments to certain legislative acts on State registration of legal entities and of affiliates and representatives, additions were introduced regarding the registration of affiliates and representatives, the act of informing the registering agency of changes to the location of the standing body and information on its leaders corresponding to information included in the National Register of Business Identification Numbers.

276. The Criminal Code of Kazakhstan (arts. 336, 337 and 337-1) provides for criminal responsibility for the unlawful interference of members of public associations in the activities of State bodies, the creation of or participation in the activities of unlawful public or other associations and the organization of activities of a public or religious or other association subsequent to a decision by the courts to prohibit its activities or to disband it on grounds of its practice of extremism. The Code of Administrative Offences (arts. 83-1, 374, 374-1, 375 and 723) provides for administrative liability for impediments to the activities of public associations, violation of the legislation on public associations, the management of, participation in or funding of the activities of public or religious associations that are not registered in accordance with legal procedure, violation of the law on religious activity and religious associations and non-compliance with the suspension or prohibition of the activities of a private entrepreneur or legal entity.

277. In 2012, the activities of non-governmental organizations increased significantly and the National Association of Lawyers was created. In 2013, the National Board of Entrepreneurs, a non-profit self-regulatory organization, was created with the main aim of bringing together entrepreneurs in order to build a fundamentally new dialogue between the State and the business community and supporting trade associations.

278. The Trade Union Act of 27 June 2014 was substantially amended, and a law on amendments to certain legislative acts on the activities of trade unions and the regulation of labour relations was adopted. The main aim of the legislation is to define the organizational foundations of the trade union movement in order to protect the labour, social and economic rights and interests of workers, to strengthen the role of trade unions in social partnership and develop dialogue across all its levels and to prevent social and labour conflicts.

279. The Trade Unions Act was sent, when still in draft form, to the International Labour Organization (ILO), and subsequently submitted to Parliament after the recommendations of the ILO were taken into consideration.

280. In 2013, a law on amendments to certain legislative acts on State registration of legal entities and registration of affiliates and representatives was adopted, simplifying insofar as possible the procedures for registering legal entities.

Article 23

281. According to the Constitution, marriage, the family, motherhood, fatherhood and childhood are protected by the State. Concern for children and their education is a natural right and obligation of parents. Able-bodied adult children must care for parents with disabilities.

282. The Marriage and Family Code defines the aims, objectives, principles and legal foundations for the regulation of marriage and family relations and protects the family's rights and interests, the furtherance of which is a priority of State social policy.

283. All restrictions on citizens' rights upon entry into marriage and on family relationships based on origin, social position, occupation and property, race, ethnicity, language, religious views or any other circumstance are prohibited. Citizens' rights in marriage and family relations may be restricted solely by law and solely to the extent necessary to protect the constitutional system, preserve public order and protect human rights and freedoms and public health and morals (article 2 of the Marriage Code).

284. Marriage requires the free and full consent of the man and woman entering into the marriage and both must have reached the minimum marriageable age (article 9 of the Marriage Code). The marriageable age for men and women is set at 18 years. In the event of pregnancy and the birth of a couple's child, the marriageable age may be reduced by no more than two years.

285. Spouses in a marriage possess equal rights and have equal obligations. The family relations of the spouses must be based on mutual respect and mutual assistance, promotion of the welfare and strengthening of the family and concern for the health, development and welfare of their children (article 30 of the Marriage Code).

286. When a marriage is dissolved in court, the spouses may submit for consideration an agreement on who will have custody of their minor children, the arrangements for the payment of child support and/or support for a spouse who is unable to work and in need of assistance, the amount of such support or the division of jointly owned property. The choice of family name after the dissolution of the marriage is decided by the spouses during the State registration of the dissolution of the marriage. If the spouses are unable to agree on this or if it is determined that the agreement runs counter to the interests of the children or one of the spouses, the court must determine which of the parents will have custody of the minor children following the dissolution of the marriage; determine which of the parents will provide child support payments and the amount of such payments; divide jointly owned property, at the request of the spouses, taking into consideration the interests of minor children and the interests of the spouses themselves; determine the amount of such support, at the request of a spouse who is entitled to receive support from the other spouse (article 22 of the Marriage Code).

287. In 2011, a new Migration Act was adopted. This Act facilitated the adoption of new rules for the registration of immigrants. Among these new rules are types of visas for family reunification.

Article 24

288. Matters relating to the realization of the basic rights and interests of children, as guaranteed by the Constitution of Kazakhstan, are regulated in detail by the Marriage Code and the Act of 8 August 2002 on the rights of the child.

289. In accordance with article 46, paragraph 1, of the Marriage Code, the child should be registered immediately after birth and have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

290. The Constitution declares that marriage, the family, motherhood, fatherhood and childhood are protected by the State. Concern for children and their education is a natural right and obligation of parents.

291. A child's right to the protection of his or her rights and legitimate interests is enshrined in article 67 of the Marriage Code. The protection of the child's rights and legitimate interests should be ensured by the parents or other legal representatives of the child and, in cases provided for by legislative acts, by a tutorship or guardian agency, the prosecutors and the court, and also by internal affairs bodies and other State agencies, within the field of their competence.

292. A minor who has been declared to have full legal capacity before reaching the age of majority is entitled to exercise his or her rights and responsibilities independently, including the right to protection from abuse.

293. Under the Marriage Code, a child has the right to protection from abuse by parents or other legal representatives. Where the rights and legitimate interests of the child are infringed, including in the event of the parents' abdication or inadequate fulfilment of their duties with respect to the child's support, upbringing and education, or in the event of abuse of parental, tutorship or guardianship rights, the child is entitled to seek protection of his or her rights independently before a tutorship or guardianship agency and, if he or she is aged 14 or over, before a court.

294. The Marriage Code stipulates that the officials of State agencies and organizations and other citizens who become aware of a threat to a child's life or health or a violation of a child's rights and legitimate interests must report such matters to the tutorship or guardianship agency in the area where the child is physically located. Upon receipt of such a report, the tutorship or guardianship agency must take the necessary measures to protect the rights and legal interests of the child. In accordance with article 75 of the Marriage Code, the cruel treatment of a child, including physical or psychological violence, and violations of a child's sexual integrity, are part of the list of grounds for the deprivation of parental rights.

295. The Marriage Code provides for measures on the part of the family, society and the State to protect minors. The Criminal Code contains a special chapter entitled "Offences against the family and against minors".

296. A child has the right to own any income that he or she has received, property received as a gift or by inheritance, as well as any other property acquired using the child's own resources (article 66 of the Marriage Code).

297. Employment contracts may be concluded with citizens over the age of 16. With the written consent of a parent, guardian or adoptive parent, an employment contract may be concluded with: citizens over the age of 15, provided they have received basic and general secondary education in institutions of secondary education; students over the age of 14, provided the work is performed in their free time after school, is not harmful to their health and does not disrupt their learning process; persons under the age of 14, with

cinematography organizations, theatres, theatrical and concert organizations and circuses, for participating in the creation or performance of works, without compromising their health or moral development, subject to the conditions set out in article 30, paragraph 2.2, of the Labour Code.

Article 25

298. The Presidential Decree of 21 July 2011 approved the Framework for a new model of State service. The Framework will become the foundation for developing draft legislation and other regulatory instruments designed to formulate a new model and further professionalize State service.

299. Under the new model of State service, a corps of high-ranking administrative State employees is being formed to expertly ensure the efficient implementation of State policy and substantially improve the mechanisms for the entry to and performance of the State service.

300. The Framework covers the period from 2011 to 2015 and has two stages.

301. To apply the Framework for a new model of State service and the specific directives issued by the Head of State, the Act of 14 December 2012 on amendments to certain legislative acts concerning State service was adopted. This Act was aimed at improving professionalization and efficiency in government service through the introduction of effective and transparent mechanisms for entry into such service, evaluation and career planning systems and an administrative body, and by enhancing the role of human resources, improving measures to encourage and motivate State employees and promoting professional ethics and anti-corruption measures.

302. On application for State service, no kind of discrimination is permitted on the grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstance.

303. The arrangements for recruitment to State administrative positions must ensure compliance with the right of citizens to equal access to State service.

304. The rules for arranging recruitment to State administrative positions and forming a recruitment commission were approved by Order No. 06-7/32 of the Chairperson of the State Service Agency of 19 March 2013.